



The
Electoral
Commission

Guidance on preventing and detecting electoral malpractice

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Translations and other formats

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<p>We are an independent body that was set up by the UK Parliament. Our mission is to foster public confidence and participation by promoting integrity, involvement and effectiveness in the democratic process.</p>

Contents

1	Purpose – prevention rather than prosecution	4
	Electoral malpractice	4
	Scope of the guidance	6
	Contacts	7
2	Elections – the nature of elections	8
	Type of elections	8
	Roles and responsibilities	9
3	Electoral offences – key offences and penalties	12
4	Preparation, planning and partnership works	16
5	Action in response to allegations of electoral malpractice	24

Appendices

A	Schedule of election related crimes and penalties	27
B	The election process	41
C	Advice to Presiding Officer regarding personation	55
D	Polling station log for electors arriving to vote but shown as absent voters	57
E	Storage of election documents, documents open to public inspection and documents requiring a court order	59
F	Threat assessment and control strategy checklist	62
G	Code of conduct for political parties, candidates and canvassers on the handling of postal vote applications and postal ballot papers in England and Wales	67
H	Protocols between all UK Police Forces and the Electoral Commission for dealing with offences created by the Political Parties, Elections and Referendums Act 2000	70
I	Anonymous registration – to follow when published	73

1 Purpose – prevention rather than prosecution

1.1 This document is designed to alert police forces to issues that may arise in the run-up to polling day, on polling day itself and at related events. It also offers guidance on factors to take into consideration when carrying out a force risk assessment. It has been produced for police forces in England and Wales.

1.2 The Association of Chief Police Officers and the Electoral Commission are promoting this guidance throughout England and Wales. The guidance has been sent out to each Chief Constable, Returning Officer and Electoral Registration Officer, and political parties, with the recommendation that it is promoted in individual local authority areas.

1.3 The Electoral Commission is committed to ensuring that elections are conducted in a fair and inclusive manner and in accordance with the law.

1.4 Returning Officers, working with the police, are recommended to take comprehensive steps to minimise the potential for possible electoral malpractice in the electoral process. They should also involve the political parties in preparing their plans.

Electoral malpractice

1.5 Occurrences of electoral malpractice are relatively rare, however, such occurrences often attract considerable media attention¹. The highest profile cases have been those where substantial postal voting fraud has been proven or alleged. These are Blackburn (2003)², Birmingham (2004)³, Peterborough (2004)⁴, Bradford (2005)⁵ and Tower Hamlets (2006)⁶. The investigation of these cases has required a huge investment of resources from the police in gathering statements and evidence and that is why ACPO and the Electoral Commission advocate that prevention is better than prosecution.

1.6 Electoral malpractice has often been attributed, and sometimes mis-attributed, purely to postal voting. For example, *The Times* was specifically censured by the judge in the Burnley 2004 case for repeatedly reporting it

¹ See the chronology in a House of Commons standard note of [14 November 2007](#)

² *R. v. Mohammed Hussain* [April 2005] EWCA Crim 1866

³ *Re Local Government Election for the Bordesley Green Ward of Birmingham City Council* and *Re Local Government Election for the Aston Ward of Birmingham City Council* [April 2005] unreported (Election Ct) Election Court. Akhtar and others v Jahan and others; Iqbal and others [2005] All ER (D) 15 (Executive summary)

⁴ *R. v. Hussain (Maqbool), Mahmood (Tariq) and Choudhary (Mohammed)* [2007] Trial (Part Heard), Case Number U20070492

⁵ See for instance *Municipal Journal* 12 May 2005. p12

⁶ See for instance *Police poised to bring charges over postal votes fraud*, Evening Standard, 22 October 2006

as postal voting fraud when the crime related to proxy voting.⁷ It should be recognised that the scope of electoral malpractice is much wider than absent voting – this covers voting by post or proxy where the elector does not go to a polling station to vote. Rather than simply focussing on when the vote is cast, more attention should be given to preventing fraudulent applications to register and to vote by post or proxy.⁸ This requires vigilance throughout the year and not just during the election period. That is why we are pleased that every police force in the country has a named single point of contact (SPOC) for electoral matters in post throughout the year.

1.7 The Electoral Administration Act 2006 has introduced new safeguards and duties on Electoral Registration Officers and Returning Officers to carry out specific checks. This legislation still does not provide for full individual electoral registration which is considered to be essential to creating a more secure register although this has been introduced in Northern Ireland. However, the change in direction is positive and evidence suggests that some opportunity for malpractice may have been curtailed. An analysis of files opened by the Crown Prosecution Service between 2000 and 2006 showed them to peak around 2003 and a fall since then for almost all Representation of the People Act 1983 offences.⁹ Better preparation, preventative measures such as higher-profile policing, extra vigilance at the local level and above all, the joint working that has taken place since 2003 have all played their part in this improvement. It is vital that the public has confidence in the integrity of the electoral process.

1.8 The risk of electoral malpractice may be greater where:

- there is a greater opportunity to influence the outcome of an election. For example, relatively fewer votes are needed to win a seat at a local election compared with a UK Parliamentary election.
- there is a community with limited language or literacy skills who may be more vulnerable to deception or less likely to realise that their vote has been stolen.

⁷ R. v. Ali (Mozaquir) and Hussain (Manzur) [September 2006] unreported, Preston Crown Court. "There is nothing in the facts of this case which could justify criticism of the move to postal voting. On this issue the reporting which appeared in The Times after the conviction was again in error and not based on any evidence which was before this Court. Indeed the introduction of postal votes substantially *reduced* the number of proxy votes in this ward from the numbers at previous non postal elections." Paragraph 16, Judge's passing of sentence.

⁸ See for instance: Hackney 1994-98 - false registration at residential college and proxy voting R.v. Lieberman (Zev) and R. v. Zeibowitz (Issac) both [2001], unreported and Wood Green Court; Havant 2000 - false nomination and false proxy and postal votes, R. v. Race (Rae), R. v. Hayward (Michael), R.v. Ennis (Brian) and R. v. Fox (Timothy) all 2002, unreported and Guildford Crown Court; Burnley 2002 – forged signature of assentors on nomination form and Bristol 2002 - false proxy applications, R. v. Astley (John) [September 2004] unreported, Exeter Combined Courts, Judge Jeremy Griggs.

⁹ The analysis of CPS cases 2000 to 2006 can be found on the Commission's website at <http://www.electoralcommission.org.uk/templates/search/document.cfm/18641>

Scope of guidance

1.9 This guidance relates to elections in England and Wales. It covers:

- elections to the United Kingdom Parliament
- elections to the National Assembly for Wales
- elections for elected mayors
- the cyclical local government elections usually held in May for district, borough, city, unitary, metropolitan and county councils as well as by-elections
- elections to town and parish councils in England and community councils in Wales

1.10 This guidance does not cover elections to the Greater London Authority, where separate guidance will be issued.

1.11 With regard to the next European Parliamentary election which will be held in June 2009, as the rules are expected to change to reflect new measures in the Electoral Administration Act 2006, that process is only referred to in this guidance for contextual purposes.

1.12 A number of the above elections may be combined and held on the same day.

1.13 This guidance provides an explanation of:

- potential offences
- powers of arrest, maximum penalties and time limits for prosecution
- access to documents
- the role of different participants
- electoral registration procedures
- voting and counting procedures
- protocols about who does what

1.14 This guidance sets out many of the issues that are worth considering in preparing a force threat assessment and control strategy. It is based on actions developed from the experience of policing recent elections in Great Britain. Threat assessment issues are set out in Section 4 to help with the design and implementation of an appropriate force-wide response and a checklist is provided at Appendix F.

Contacts

1.15 For further advice or comment please contact:

For ACPO:

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2 Elections – the nature of elections

2.1 The electoral process falls into two distinct areas of work – registration and election. The Electoral Registration Officer (ERO) is responsible for compiling and maintaining the register of electors, which contains an entry for everyone who has registered to vote and their eligibility to vote. The ERO's responsibilities also include registering applications to vote by post or proxy and from those people who wish to register to vote anonymously. The conduct of the election is the responsibility of the Returning Officer (RO). The RO's duties include: receiving nominations, publishing the list of nominated candidates, advising on acceptable behaviour by candidates agents and their supporters, establishing and staffing polling stations and ensuring the safe return of ballot boxes, the management of postal and proxy voting, the verification and counting of ballot papers and declaring the result.

Types of election

UK Parliamentary general elections

2.2 For a UK Parliamentary general election, the Returning Officer in England and Wales is a figurehead who takes little active part in running the election. The Acting Returning Officer carries out most of the operational duties of the Returning Officer. For a borough constituency the Returning Officer will be the mayor or chairman or the borough, city or district; and for a county constituency this will be the Sheriff. All references to Returning Officers throughout the guidance also cover Acting Returning Officers at UK Parliamentary elections. The UK Parliament differs from other bodies in the United Kingdom in that it does not follow a fixed cycle of elections. The election date is fixed by the Prime Minister, but it cannot be longer than five years after the last election.

Local councils

2.3 There is a four year cycle of elections to local authorities¹⁰. County councils in England and unitary councils in Wales have elections every four years and district councils will have elections in each intervening year for a third of their councillors or they may have whole council elections in the second year of each cycle. Metropolitan borough councils have whole council elections every four years. Parish councils in England and community councils in Wales will usually mirror the district council cycle and have elections at the same time. Councils that have an elected mayor hold elections for this position on a four yearly cycle depending on when their first election took place. Elections to English and Welsh local authorities and parish and community councils follow the traditional first-past-the-post method with only one vote per person per seat available. Mayoral elections

¹⁰ The Government is currently implementing some structural change to English local government, and considering further changes in future years. This could mean a change to electoral cycles or the moving of scheduled elections.

follow a supplementary vote system where electors are able to indicate a first and second preference from among the candidates.

Other elections

2.4 Elections to the National Assembly for Wales and the Greater London Assembly take place every four years. Elections to the European Parliament take place every five years. Elections to the National Assembly for Wales and the Greater London Assembly follow the first-past-the-post method for their constituency members supplemented by a system of proportional representation called the Additional Member System for the Wales regional or London-wide members. The additional members are drawn from political party lists and their election is designed to achieve a balance of seats in the Assembly that reflects the distribution of the overall vote. Mayoral elections follow a supplementary vote system where electors are able to indicate a first and second preference from among the candidates. Elections to the European Parliament follow the d'Hondt system where regional Members of the European Parliament are elected from party lists according to the proportion of votes cast for that party in the region.

Electoral pilot schemes

2.5 It is possible that electoral pilot schemes will take place at some local authority elections. These pilot schemes may involve testing of remote electronic voting systems, early and multi-day voting arrangements and some administrative innovations. Authorities should be asked at initial meetings if a pilot scheme is planned; none are planned for May 2008.

Electoral roles and responsibilities

2.6 At local government elections in England and Wales, the local government Returning Officer is responsible for the administration of the election and count in their area and for any parish or community council election.

2.7 The Electoral Registration Officer appointed by the local authority, who may be the same person as the Returning Officer, is responsible for compiling the register of electors and the list of absent voters who have applied to vote by post or proxy rather than in person at a polling station.

2.8 The Returning Officer must be a council employee, normally the Chief Executive, but while undertaking this role they are independent of the local authority and carry personal liability. The decisions of the Returning Officer are final and only subject to challenge by an election petition to the High Court. The task of managing the election will usually be carried out by the Electoral Services Manager who may be appointed as a Deputy Returning Officer. Additional Deputy Returning Officers may be appointed to fulfil specific tasks, such as conducting a local count or collecting postal ballots at the close of poll from the Royal Mail sorting office.

2.9 Each Returning Officer takes allegations of electoral malpractice seriously. Where suspicions are aroused and, after checking information held by the authority, deemed worthy of referral to the police for investigation, the Returning Officer should report the matter to the police and assist where possible. It is essential that everyone concerned recognises each other's area of expertise to avoid duplication of effort.

2.10 The police will fully investigate the allegation until, following consultation with the Special Crime Division of the Crown Prosecution Service, either they are satisfied that no further action is necessary, or the file is forwarded to the Special Crime Division of the Crown Prosecution Service with a view to prosecution. The Returning Officer and the Electoral Commission should be kept apprised of general progress of electoral malpractice investigations unless this is deemed inappropriate (for example, where the Returning Officer was a witness to an alleged offence).

2.11 Electoral malpractice offences under the Representation of the People Act (RPA) 1983, together with other relevant legislation, are addressed in Section 3.

2.12 In conjunction with political parties, the Electoral Commission has produced a *Code of conduct for candidates, canvassers and agents on handling applications for postal votes and postal ballots*. This sets out a summary of the law and offers advice about how these individuals should conduct themselves during an election campaign. In itself the code does not have the force of law but it carries weight because the main parties have indicated their intention to follow the code. The code is included at Appendix G.

2.13 Some Returning Officers may introduce, and encourage candidates and agents to sign up to, local agreements on electoral matters. You should ask the Returning Officer if any have been agreed, or are proposed, in your area.

Election expenses

Candidates' spending and donations

2.14 The RPA 1983 specifies a series of controls on candidates' expenditure during an election campaign. This legislation has been much amended over recent years. The Electoral Commission has produced guidance for candidates setting out the different requirements of this legislation.

2.15 The Political Parties, Elections and Referendums Act 2000 (PPERA) created restrictions on the source of income received by candidates and political parties and requires certain donations to be reported to the Electoral Commission to aid transparency in public life.

2.16 The Electoral Commission is responsible for monitoring compliance with the legislative controls by candidates and agents in the UK (with the exception of local elections in Scotland and Northern Ireland). The Commission will seek to review a sample of election expenses and donations returns of all candidates contesting elections. For UK Parliamentary elections, the Commission will receive copies of all candidates' expenses returns. For local government elections the Commission will request a sample of returns from Returning Officers and take a risk-based approach to reviewing them.

2.17 A protocol between the Electoral Commission and the Association of Chief Police Officers describes the role of each of these organisations in the investigation of suspected breaches of these controls. A copy is attached at Appendix H.

Parties' spending and donations

2.18 PPERA regulates spending by and donations to political parties.

2.19 The Electoral Commission is responsible for receiving parties' returns and monitoring compliance with the legislative controls. The Party and Election Finance Directorate deal with allegations regarding offences in relation to election spending or donations.

Third party spending

2.20 Third party spending for or against a particular candidate comes under the RPA 1983 or, if for or against a party or issue (such as the closure of a hospital), under PPERA. The Commission has no statutory role in relation to third party spending under the RPA 1983 but has a monitoring role in respect of third party spending and donations under PPERA. PPERA rules do not apply where only local elections are taking place. The RPA 1983 controls limit campaigning for or against a particular candidate with strict spending limits. PPERA controls allow a higher level of spending and also limit the donations third parties can receive.

3 Election offences – key offences and penalties

3.2 The Representation of the People Act 1983 (RPA 1983) defines most offences for UK Parliamentary elections, English local government elections and for electoral registration and postal voting issues across the United Kingdom. The Electoral Administration Act 2006 (EAA) introduced or amended new RPA offences and introduced new procedures. Other legislation, such as that relating to forgery and false statements, or common law provisions may also apply.

3.3 The RPA 1983 offences include (section numbers are given):

13 D (1)	False registration information
13 D (1A)	False information in relation to postal/proxy voting
60	Personation
61 (1)	Voting whilst under a legal incapacity
61 (2) (a)	Multiple voting
62A	Offences relating to the applications for postal and proxy votes
63 (1)	Breach of official duty
65 (1)	Tampering with nomination papers, ballot papers etc.
65A (1)	False statements in nomination papers etc.
66 (1 to 5)	Requirement of secrecy
66A (1)	Prohibition on publication of exit polls
94 (1)	Imitation poll cards
97 (1)	Disturbances at election meetings
99 (1)	Officials not to act for candidates
100 (1)	Illegal canvassing by police officers
106 (1)	False statement of fact as to candidate
107	Corrupt withdrawal from candidature
109	Payments for exhibition of election notices
110	Printer's name and address on election publications
111	Prohibition of paid canvassers
112	Providing money for illegal purposes
113 (2, 3, 5-7)	Bribery
114 (2 and 3)	Treating
115	Undue influence

3.4 Full details of offences under the RPA 1983, together with persons liable, type of offence and penalty, are given in Appendix A.

3.5 Most offences under the Representation of the People Act 1983 (RPA 1983) are classified as corrupt or illegal practices. **Corrupt practices** are indictable with a maximum penalty of imprisonment for one year and/or a fine, except for the offences of personation and making a false application to vote by post or proxy, where the maximum penalty is imprisonment for up

to two years and/or a fine.¹¹ **Illegal practices** are summary offences and the maximum penalty is a £5,000 fine.¹²

3.6 Prosecutions under the RPA 1983 must be brought within 12 months of the commission of the offence. However, if there are exceptional circumstances, and there has been no undue delay in the investigation, the time limit may be extended to not more than 24 months after the offence was committed. Any application to extend the deadline must be brought within one year of commission of the offence.¹³

Corrupt practices

Bribery

3.7 A person is guilty of bribery if they directly or indirectly give any money or procure any office to or for any voter, in order to induce any voter to vote, or not vote, for a particular candidate; or to vote or refrain from voting.¹⁴

Treating

3.8 A person is guilty of treating if either before, during or after an election they directly or indirectly give or provide (or pay wholly or in part the expense of giving or providing) any food, drink, entertainment or provision in order to influence any voter to vote or refrain from voting.¹⁵

Undue influence

3.9 A person is guilty of undue influence if they directly or indirectly make use of or threaten to make use of force, violence or restraint, or inflict or threaten to inflict injury, damage or harm in order to induce or compel any voter to vote or refrain from voting.¹⁶ A person may also be guilty of undue influence if they act with the intention of impeding or preventing the voter from freely exercising their right to vote.¹⁷

For undue influence also consider substantive offences, threats to commit damage, assault and public order

Personation

3.10 It is an offence for any individual to vote as someone else (whether that person is living or dead or is a fictitious person), either by post or in person at a polling station as an elector or as a proxy.¹⁸ Further, the individual voting can be deemed to be guilty of personation if they vote as a person they have reasonable grounds for supposing is dead or fictitious, or

¹¹ Section 168 RPA 1983 and Article 120 NAW (RoP) Order 2007

¹² Section 169 RPA 1983 and Article 121 NAW (RoP) Order 2007

¹³ Section 176 RPA 1983 and Article 128 NAW (RoP) Order 2007

¹⁴ Section 113(2) RPA 1983 and Article 79 NAW (RoP) Order 2007

¹⁵ Section 114(2) RPA 1983 and Article 80 NAW (RoP) Order 2007

¹⁶ Undue influence can include threats of harm of a spiritual nature

¹⁷ Section 115(2) RPA 1983 and Section 115 RPA 1983 and Article 81 NAW (RoP) Order 2007

¹⁸ Section 60 RPA 1983 and Article 30 NAW (RoP) Order 2007

where they have reasonable grounds for supposing their appointment as a proxy is no longer in force. It is also an offence for a person to aid or abet the commission of the above offences.

Appendix C has been produced and circulated to help Returning Officers give advice to polling station presiding officers about personation and includes a template on which to record a statement should this occur.

False application to vote by post or by proxy

3.11 It is an offence to falsely apply to vote by post or proxy with the intention of depriving another person of a vote or gaining a vote or money or property to which a person is not entitled.¹⁹ Specifically, it is an offence to:

- apply for a postal or proxy vote as some other person (whether living, dead or fictitious)
- otherwise make a false statement in connection with an application for a postal or proxy vote
- induce an Electoral Registration Officer or a Returning Officer to send a communication relating to a postal or proxy vote to an address that has not been agreed by the voter
- cause such a communication not to be delivered to the intended recipient

It is also an offence to aid or abet the commission of the above offences.

Illegal practices

Multiple voting and proxy voting offences

3.12 There are various offences regarding multiple voting and proxy voting including voting by post as an elector or proxy when subject to a legal incapacity to vote; voting more than once in the same or in more than one local election area; applying for a proxy without cancelling a previous proxy appointment and inducing or procuring another to commit one of the above offences.²⁰

Other election offences

Secrecy

3.13 Everyone involved in the electoral process should be aware of the secrecy of the ballot and should not breach it. The Returning Officer will give everyone who attends the opening or counting of ballot papers a copy of parts of the relevant legislation.²¹ Any breach of this legislation is a summary offence with a maximum penalty of six months imprisonment²² or a £5,000 fine.

¹⁹ Section 62A RPA 1983 and Article 14 NAW (RoP) Order 2007

²⁰ Section 61 RPA 1983 and Article 31 NAW (RoP) Order 2007

²¹ Section 66 RPA 1983 and Article 35 NAW (RoP) Order 2007

²² The maximum term of imprisonment for a summary offence is currently six months. This will increase to 51 weeks once Section 281(5) of the Criminal Justice Act 2003 comes into force. No date has yet been set for this

False registration information and false postal/proxy voting application

3.14 It is an offence to supply false information in relation to the registration of electors to the Electoral Registration Officer for any purpose connected with the registration of electors. It is also an offence to provide false information in connection with an application for a postal or proxy vote. False information includes a false signature.²³ Unlike the Section 62A, RPA 1983 offence, it is not necessary to establish an intention to gain, or deprive another, of a vote, money or property. This is a summary offence with a maximum penalty of six months imprisonment²⁴ or a £5,000 fine.

Other general offences

3.15 There are also some non-electoral offences which may be relevant, such as:

- making a false statement under the Perjury Act 1911
- forgery
- using a false instrument under the Forgery and Counterfeiting Act 1981
- conspiracy to defraud

Additional guidance to police

3.16 Specific cases and further legal comment is available to police officers on the Police National Legal Database under the RPA 1983.

²³ Section 13D RPA 1983 and Article 14 NAW (RoP) Order 2007

²⁴ Section 13D RPA 1983 and Article 14 NAW (RoP) Order 2007

4 Preparation, planning and partnership works

4.1 This section focuses on preparing a force threat assessment and control strategy, a risk assessment guide for elections and topics that might be discussed at pre-election planning meetings between the local authority named contact and police election SPOC officer.

Threat assessment and control strategy

4.2 The following measures and responses adopted at recent elections will help you to manage the risk of personation, fraud and other offences that might arise at the next elections.

General

- A force threat assessment and control strategy should identify where advice should be provided at election time for all staff and the public. It should provide named point of contact details at the appropriate unit and force levels. This should include a strategy for communication with all stakeholders.
- Establish a Gold Command structure at the earliest opportunity for the entire election process.
- All briefings should make reference to this current guidance. This should help to:
 - prevent and deter electoral malpractice, and
 - encourage the proper responses to any allegations of electoral malpractice
- A force media strategy should be prepared for the election to cover prevention, investigation and arrest situations. This should also include liaison with the Electoral Commission's press team as required.
- During the election period all officers should be issued with a pocket guide that sets out election offences, suggested actions and contacts, which will be produced in advance of the elections by the Association of Chief Police Officers and the Electoral Commission.
- The Electoral Commission has advised electoral administrators that they should have an initial election meeting with the police at the earliest opportunity and one, following the deadline for nomination of candidates,²⁵ when security issues will be clearer.

²⁵ The deadline for the nomination of candidates is set at 19 working days before polling day. **An election timetable giving specific dates for the next election** can be found on the Electoral Commission's website at:
<http://www.electoralcommission.org.uk/elections/englandtimetable2008.cfm>

- Be aware of key events and meetings, especially briefings for candidates and agents, any regional or national training events and arrangements for the count. These are all discussed below.

Prevention and reduction

- Intelligence gathering self-evidently has a role to play in preventing and reducing crime. In the context of the next elections, it is important to identify whether the level of risk locally warrants the creation of a specific task force. Electoral administrators, political parties, party officials and candidates may be able to assist.
- As part of coordinating the flow of intelligence, consider whether all information or intelligence logs relating to election related crime should be sent to a designated unit.
- This unit should be expected to carry out analytical work to help develop appropriate control strategies in conjunction with force intelligence capabilities. This unit will probably be a central operations unit and in many forces this is likely to be the economic crime unit. Whatever central unit is chosen the term 'appropriate unit' will be used in this document.
- The appropriate unit should act as a reference or advice point for officers dealing with allegations of electoral malpractice.
- Identify a named contact in each local authority election office and notify each local authority of a police SPOC who will liaise with the appropriate unit.
- The appropriate unit should create a full list of SPOC contact details and circulate it to all basic command units.
- Pre-election planning meetings between the local authority named contact and police SPOC should be held as soon as possible and another as soon as practicable after the last date for withdrawal of nominations. A checklist setting out the topics that might be discussed is included at paragraph 4.4 (page 20) of this section. The Returning Officer may also hold pre-election planning meetings with political party representatives (agents).
- The appropriate unit should liaise directly on a daily basis with the named local authority contact for each council area, from a mutually agreed date until the count has been concluded.
- A local police officer (preferably the named SPOC) should attend and give input to any candidate and election agent briefing by the Returning Officer. As a guide, in most areas for elections in May, this will tend to take place between February and April.

- The police should encourage the Returning Officer to maintain a record of electors who claim not to have voted by post or to have requested a postal vote although official records show them as having done so. The same should apply in relation to voting by proxy. Such records may provide leads for the investigation of potential malpractice.
- The police should encourage the Returning Officer to provide the Presiding Officer at each polling station with a form on which to record details of any attempted or alleged personation, and advice on what action they might take, ensuring that they consider their own safety, and that of all other people present, as a priority. (Appendix C)
- The police should encourage the Returning Officer to provide the Presiding Officer at each polling station with a form on which to record details of any elector arriving to vote who is registered as a postal voter, preferably one that includes space for a signature if the elector is willing to give one. (Appendix D)
- In areas of high risk, consideration should be given to escorting the transfer of ballot boxes from polling stations to the count, as well as to overnight security of ballot boxes where appropriate.
- A force media strategy should be prepared to promote confidence in the electoral process, while emphasising fraud prevention measures and the approach to allegations of electoral malpractice.
- A direct police hotline should be established, via Gold Control, for advice on electoral malpractice throughout polling hours on election day.
- The force student liaison officer should offer to assist the Returning Officer in making the delivery of postal votes to multi-occupied student properties more secure by raising awareness of security issues and identifying key contacts who are prepared to take responsibility for ensuring the postal ballots are delivered to the intended recipients.

Investigation

- A pocket guide for police officers setting out election offences, penalties and contact details has been produced for individual officers throughout the force area. It lists the offences and includes space to identify force and Basic Command Unit (BCU) SPOC names and contact details. Arrangements should be made to issue these to all appropriate officers.
- Consider setting up a team to proactively follow up issues identified by intelligence and investigate allegations of election malpractice identified by intelligence.

- Make arrangements for this team to be available out of hours for advice, with contact routed via Force Control Room.
- Consider and state whether allegations of election malpractice and complaints will be reported both at BCU level and centrally.
- Consider what level of resources will be made available to investigate complaints or allegations of different types of election malpractice.
- Decide whether the relevant BCU should be expected to make initial enquiries and then, if the nature and extent of the allegations warrant further advice, contact the appropriate unit.
- The appropriate unit should make arrangements to liaise with the Special Crime Division of the Crown Prosecution Service.
- All electoral issues that require advice from the Special Crime Division of the Crown Prosecution Service should be directed via the appropriate unit.

Risk assessment guide for elections

4.3 The following issue checklist is offered as advice to provide for the safe policing response to a local election situation to enable free elections.

Presented/potential hazards

- potential malpractice
- assault (verbal)
- assault (physical)
- interference with free election process
- protest
- public disorder

Action to be taken to prevent/reduce/control hazards and risks

Pre-commitment planning

- ensure nomination of police SPOC
- liaison of SPOC with elections office
- agree levels and channels of referral (for example, in the 2005 elections in Birmingham a police response was generated where any household submitted more than four postal vote applications, or where any road had 30% of households seeking postal votes)
- ensure liaison at strategic level between Electoral Registration Officer and Returning Officer, political parties and police strategic command
- ensure nomination of local level SPOC at basic command unit level
- ensure intelligence distribution systems are effective both internally and externally

- research:
 - previous elections by the parties and candidates
 - potential of result to change local control of council
 - location of polling stations and location of count
 - any other interested party
 - media interest
 - local issues of diversity
 - any high-profile local issue (such as closure of large local employer)

Control/reduction measures

- force Gold Control
- availability of force and local SPOCs
- pre-event allocation of roles
- allocation of briefed police/community support officers to polling station/ geographic area
- locations warranting high-visibility police presence
- suitable contingency reserves in event of incident
- high visibility at count location
- availability of key network directory
- officers to be in possession of protective equipment

Specific responsibilities

- appointment of Gold Control
- appointment of force SPOC point of contact
- appointment of investigation team
- appointment of local SPOC

Training requirements

- availability of election offence awareness pocket guides for deployed staff
- training of SPOC/local SPOC
- training of any dedicated investigation resource
- training of staff on conflict resolution/recognition
- dynamic risk assessment training
- first aid training
- public order training

A template risk assessment document can be found on the ACPO intranet.

Police SPOC officer meeting with named local authority contact

4.4 This section proposes a list of topics that might be discussed at pre-election planning meetings between the local authority named contact and police election SPOC officer. These meetings should be held as soon as possible and again once the candidates are known. This guidance should be read alongside:

- the force election strategy, including election media strategy
- the Electoral Commission's *Guidance for candidates and agents* and any local instructions
- the Electoral Commission's *Guidance to Returning Officers*

General

1. Identify named contact at local authority for elections and an alternative.
2. What cover will be in place for any planned leave, especially in the period after polling day.
3. Exchange contact details for all, including out-of-hours numbers and backups.
4. Identify and discuss any issues of concern or risk arising from a review of previous elections and any others that may need particular attention at the next election.
5. Identify locations that have historically had incidents or currently show potential for being at risk in May 2008. Ensure that the discussion does not focus exclusively on these areas and that any measures proposed are proportionate across the board.
6. Although elections staff are uniquely placed to identify malpractice and are required to carry out some checking processes as required by electoral law, all guidance advises that if there are any suspicions or allegations that can be substantiated and the complainant is prepared to make a statement in writing, then the matter should be referred to the police for investigation. Check that both sides are aware of the available guidance and have read the documents.
7. Agree trigger points or thresholds for where matters should be reported and an escalator of issues.
8. Clarify where police SPOC will act (such as allegations of electoral malpractice) and where others may act on operational matters.

Pre-election issues

9. Registration issues:
 - a) any suspicious rolling registration applications
 - b) postal and proxy applications, agree triggers for reporting/police response
10. Candidates/agents briefing:
 - a) police attendance, when, Code of conduct
 - b) has a local Code of conduct has been agreed?

11. Media strategy:
police and council press officer contact details and briefing

12. Public order and public safety issues

13. Confirm if local authority is conducting an electoral pilot scheme, and obtain details of any such scheme

Election period issues

14. Post-close of nomination meeting to review strategy in view of issues particular to the contest and candidates who are standing for election

15. Matters arising from poll card issue

16. Postal ballot delivery:
a) Royal Mail or other means of delivery
b) delivery dates by area
c) liaison with Royal Mail

17. Postal vote opening:
a) planned dates and times
b) identifier processes
c) police invites and presence
d) special opening of suspicious postal ballots if needed
e) white powder in envelope procedures

Polling day issues

18. General

19. Polling station
a) level of police support – dedicated to stations or mobile support
b) personation guidance and statement form
c) action in relation to a disturbance
d) tellers – local arrangements

20. Collecting postal ballots
a) will postal ballots be collected from polling stations during the day?
b) are any problems expected and would police support be prudent?
c) arrangements for overnight security of ballot boxes if necessary

21. The count
a) where (centralised or decentralised) and when will it take place
b) police presence and other security at the venue(s)
d) procedure for dealing with suspicious postal voting statements
d) postal ballot papers marked with correction fluid

22. Post election issues
a) allegations of malpractice

- b) access to documents
- c) recording of actions and audit trail.

5 Action in response to allegations of electoral malpractice

5.1 Any instance of malpractice identified by the Returning Officer or the Electoral Registration Officer and allegations of electoral malpractice or coercion that can be substantiated should be reported without delay to the force or BCU election SPOC.

5.2 The police will make an assessment as to the level of investigation required and ensure that it is proportionate to the allegation and to the potential effect of the alleged offence in the election process. The nature and scope of any investigation will be at the discretion of the Chief Constable. Where possible, the police will keep the relevant Electoral Registration Officer or Returning Officer informed of progress with any investigation.

5.3 Suggested action for all cases:

- preserve evidence
- respect the secrecy of sealed documents and seek advice before opening
- when election documents become evidence in a potential crime, the method of preservation by the police should include consultation with the elections office to ensure that a mutually beneficial way forward is agreed
- invite the suspected party for interview under caution or consider Section 24(e) of the Police and Criminal Evidence Act (PACE) 1984 (as amended by the Serious Organised Crime and Police Act 2005)
- consider advice from the Special Crime Division of the Crown Prosecution Service
- inform the Returning Officer and the Electoral Commission via police SPOC

5.4 A list of documents that are open to public inspection and may be examined without a court order together with those that will or may require a court order are set out in Appendix E. Advice is also given about the length of time documents may be retained.

5.5 The Special Crime Division of the Crown Prosecution Service deals with allegations of electoral offences at their casework directorate headquarters in London and York. They should be contacted at the start of an investigation and are available to provide advice. The London office covers London, Eastern, South East and South West regions. The York office covers the remainder of England and all of Wales. For the time being however, all enquiries in the first instance should be directed to the York office.

5.6 The York office contacts are:

Tara Wallis	Simon Orme
Tel: 01904 545515	Tel: 01904 545534
Tara.Wallis@cps.gsi.gov.uk	Simon-Timothy.Orme@cps.gsi.gov.uk
United House, Piccadilly, York, YO1 9PQ	

5.7 The Party and Election Finance Directorate at the Electoral Commission should be informed if it appears that an offence has been committed relating to election spending or donations reporting by a candidate or political party in order to coordinate any further action.

5.8 The Electoral Commission contact is:

Rachel Savage
Senior Adviser (Training and Guidance)
Tel: 020 7271 0579
rsavage@electoralcommission.org.uk

5.9 In developing a force media strategy, there may be merit in issuing a joint statement at the start of the election campaign endorsed by all candidates and parties, the Returning Officer and the police. In the past this has proven effective in providing a clear and cohesive joint approach. However, this should be a voluntary agreement and there should be no coercion or criminalisation of any party or candidate not wishing to be included. The Electoral Commission is willing to assist as a point of reference for news releases, especially prior to any arrest or prosecution.

5.10 The force press officer may wish to make contact with Euan Holloway, Media Relations Officer with the Commission on 020 7271 0529 or at eholloway@electoralcommission.org.uk

5.11 For further advice or comment relating to the overall guidance, please contact:

For ACPO:

Assistant Chief Constable David Shaw
West Midlands Police
Tel: 0121 626 5017
D.Shaw@west-midlands.police.uk

Detective Inspector Maskeen Ali
West Midlands Police
Tel: 0121 626 5505
M.Ali@west-midlands.pnn.police.uk

For the Electoral Commission:

Richard Jordan
Senior Adviser (Electoral Integrity)
Tel: 020 7271 0562
rjordan@electoralcommission.org.uk

Kate Sullivan
Head of Electoral Administration
Tel: 020 7271 0567/077 9891 5667
ksullivan@electoralcommission.org.uk

Signed

Signed

ACC David Shaw for
Association of Chief Police Officers

Sam Younger, Chairman
The Electoral Commission

January 2008

Appendix A

Schedule of election related crimes and penalties

Non-financial offences

Representation of the People Act 1983 (RPA 1983), Electoral Administration Act 2006 (EAA) and case law

RPA 1983 Section	Offence	Person or persons liable	Type of offence	Penalty
13 D (1) as amended by EAA section 15(7)	<p>False registration information</p> <p>(1) Providing, for any purpose connected with the registration of electors, false information to a registration officer</p>	Any person		Six months imprisonment and/or a fine not exceeding level 5 on the standard scale (currently £5000).
13 D (1A) as amended by EAA section 15(7)	<p>False information in relation to postal/proxy voting</p> <p>(1A) Providing false information in connection with an application (other than an application relating to a local government election in Scotland) to which any of the following apply–</p> <p>(a) Where a person applies to the registration officer to vote by post at parliamentary elections, at local government elections or at both (whether for an indefinite period or for a particular period specified in his application), or</p> <p>(b) Where a person applies to the registration officer to vote by proxy at parliamentary elections, at local government elections or at both (whether for an indefinite period or for a particular period specified in his application), paragraph 3(1) or (2) Schedule 4 2000 Act;</p> <p>(c) Where a person applies to the registration officer to vote by</p>	Any person		Six months imprisonment and/or a fine not exceeding level 5 on the standard scale (currently £5000).

	<p>post at a particular parliamentary or local government election or where a person applies to the registration officer to vote by proxy at a particular parliamentary or local government election, paragraph 4(1) or (2) Schedule 4 2000 Act;</p> <p>(d) Where a person applies to the registration officer to vote by post—</p> <p>(i) as proxy at parliamentary elections, at local government elections or at both (whether for an indefinite period or for a particular period specified in his application), or</p> <p>(ii) as proxy at a particular parliamentary or local government election, paragraph 7(4) Schedule 4.</p> <p>(2) Providing false information to the Chief Electoral Officer for Northern Ireland for the purpose of obtaining the dispensation referred to in section 10(4B), 10A(1B) or 13A(2B) RPA 1983</p> <p>A person does not commit an offence under s62 (1) or (1A) if he did not know, and had no reason to suspect, that the information was false.</p>			
60	<p>Personation Votes in person or by post as some other person, or votes in person or by post as proxy for a person he knows/has reasonable grounds to assume is dead/fictitious or his proxy is no longer in force.</p>	Any person (who commits, aids, abets, counsels or procures the commission of the offence of Personation.)	Corrupt practice	On summary conviction: Statutory maximum fine or 6 months. On indictment: fine or 1 year
61(1)	<p>Voting whilst under a legal incapacity</p> <p>(a) Voting, or applying to vote, knowing that he is subject to a legal incapacity</p> <p>(b) Applying to appoint a proxy knowing that either the elector or proxy is subject to a legal incapacity</p> <p>(c) Voting as a proxy for a person he knows is subject to a legal</p>	Any person	Illegal practice	A fine not exceeding level 5 on the standard scale (currently £5000).

	incapacity			
61(2)(a)	<p>Multiple voting Voting as elector other than by proxy either –</p> <p>(i) more than once in the same constituency at any parliamentary election, or more than once in the same electoral area at any local government election; or</p> <p>(ii) in more than one constituency at a general election, or in more than one electoral area at an ordinary election of councillors for a local government area which is not a single electoral area; or</p> <p>(iii) in any constituency/electoral area (which is not a single electoral area) when there is in force an appointment of a person to vote as his proxy at the election in some other constituency/electoral area.</p> <p>[This does not apply at Authority elections]</p>	Any person	Illegal practice	A fine not exceeding level 5 on the standard scale (currently £5000).
61(2)(b)	<p>Multiple voting Voting as elector in person at a parliamentary or local government election at which you are entitled to vote by post</p>	Any person	Illegal practice	A fine not exceeding level 5 on the standard scale (currently £5000).
61(2)(c)	<p>Multiple voting Voting as elector in person at a parliamentary or local government election, knowing that a person appointed to vote as your proxy at the election either has already voted in person or is entitled to vote by post</p>	Any person	Illegal practice	A fine not exceeding level 5 on the standard scale (currently £5000).
61(2)(d)	<p>Multiple voting Applying for a person to be appointed as a proxy to vote for you at parliamentary elections without applying for the cancellation of a previous appointment of a third person then in force or without withdrawing a pending application for such an appointment.</p>	Any person	Illegal practice	A fine not exceeding level 5 on the standard scale (currently £5000).
61(2A)	<p>Multiple voting At Authority elections, voting as an elector otherwise than by proxy more than once:</p>	Any person	Illegal practice	A fine not exceeding level 5 on the standard scale (currently £5000).

	<ul style="list-style-type: none"> (i) at the same election of the Mayor of London; (ii) at the same election of London members of the London Assembly; (iii) at the same election of a Constituency member of the London Assembly (in the same constituency) (iv) in more than one Assembly constituency. <p>Or, in any Assembly constituency at an ordinary election, or election of the Mayor of London voting as an elector otherwise than by proxy when there is in force an appointment of a person to vote as his proxy at the election in some other Assembly constituency.</p>			
61(3)	<p>Multiple voting Voting as a proxy for the same elector either:</p> <ul style="list-style-type: none"> (i) more than once in the same constituency at a parliamentary election, or more than once in the same electoral area at any local government election; (ii) more than once in the same constituency at a general election, or in more than one electoral area at an ordinary election of councillors for a local government area which is not a single electoral area; or, <p>Voting in person as a proxy for an elector at a parliamentary or local government election at which he is entitled to vote as a proxy by post.</p> <p>Voting in person as a proxy for an elector at a parliamentary or local government election knowing that the elector has already voted in person at the election.</p> <p>[This does not apply at Authority elections]</p>	Any person	Illegal practice	A fine not exceeding level 5 on the standard scale (currently £5000).
61(3A)	Multiple voting	Any person	Illegal	A fine not exceeding

	<p>At Authority elections, voting as a proxy for the same elector</p> <ul style="list-style-type: none"> (i) more than once at the same election of the Mayor of London; (ii) more than once at the same election of London members of the London Assembly at an ordinary election; (iii) more than once at the same Assembly constituency at the same election of a Constituency member of the London Assembly (in the same constituency); or (iv) in more than one Assembly constituency at the same ordinary election. 		practice	level 5 on the standard scale (currently £5000).
61(4)	<p>Multiple voting Voting at a parliamentary in any constituency (or local government election by in any electoral area) as proxy for more than two persons of whom they is not the husband, wife, parent, grandparent, brother, sister, child or grandchild.</p>	Any person	Illegal practice	A fine not exceeding level 5 on the standard scale (currently £5000).
61(5)	<p>Multiple voting Knowingly inducing or procuring some other person to do an act which is, or but for that other person's want of knowledge would be an offence, by that other person under the relevant subsection of section 61.</p>	Any person	Illegal practice	A fine not exceeding level 5 on the standard scale (currently £5000).
62 (1)	<p>Offences as to declarations Making a declaration of local connection or a service declaration:</p> <ul style="list-style-type: none"> (i) when a person is not authorised to do so by section 7B (1) or section 15 (10, or (ii) except as permitted by this Act, when he knows that he is subject to legal incapacity to vote, or (iii) when he knows that it contains a statement which is false. <p>Or, attesting a service declaration when a person knows:</p> <ul style="list-style-type: none"> (i) that he is not authorised to do so, or 	Any person		Fine not exceeding level 5 on the standard scale (currently £5000)

	(ii) that it contains a false statement as to any particulars required by regulations under section 16.			
62A added by the EAA 2006 section 40	<p>Offences relating to applications for postal and proxy votes Engaging in one of the following acts with the intention, by doing so, to deprive another of an opportunity to vote or to make for himself or another a gain of a vote to which he or the other is not otherwise entitled or a gain of money or property:</p> <ul style="list-style-type: none"> a. applying for a postal or proxy vote as some other person (whether that other person is living or dead or is a fictitious person); b. otherwise making a false statement in, or in connection with, an application for a postal or proxy vote; c. inducing the registration officer or returning officer to send a postal ballot paper or any communication relating to a postal or proxy vote to an address which has not been agreed to by the person entitled to the vote; d. causing a communication relating to a postal or proxy vote or containing a postal ballot paper not to be delivered to the intended recipient. 	<p>Any person (who commits, aids, abets, counsels or procures the commission of the offence)</p> <p>Does not apply to local government election in Scotland</p>	Corrupt practice	Up to two years imprisonment and/or unlimited fine
63 (1)	<p>Breach of official duty Any person to whom this section applies acting without reasonable cause, will be in breach of his official duty by any act or omission.</p>	<p>This section applies to:</p> <ul style="list-style-type: none"> a) Clerk of the Crown (or the Clerk of the Crown for Northern Ireland); b) any sheriff clerk, registration officer, returning officer or presiding officer, c) any person whose duty it is to be responsible after a local government election for used ballot papers and other document (including return and declarations as 		A fine not exceeding level 5 on the standard scale (currently £5000).

		to expenses), d) any official designated by the universal postal service provider), and e) any deputy of a person in (a) and (d).		
65 (1)	<p>Tampering with nomination papers, ballot papers etc. At a parliamentary or local government election:</p> <ul style="list-style-type: none"> (a) fraudulently defacing or fraudulently destroying any nomination papers; or (b) fraudulently defacing or fraudulently destroying any ballot paper, or the official mark or any ballot paper, or any declaration of identity or official envelope used in connection with voting by post; or (c) without due authority supplying any ballot paper to any person; or (d) fraudulently putting any paper into any ballot box, other than the ballot paper he authorised by law to put in; or (e) fraudulently taking out of the polling station any ballot paper; or (f) without due authority destroying, taking, opening, or otherwise interfering with the ballot box or packet of ballot papers then in use for the purpose of the election; or (g) fraudulently or without due authority, attempting to do any of the previously mentioned acts. 	Any person, however where act is undertaken by the returning officer, presiding officer or a clerk appointed to assist in taking the poll the penalty is: On indictment, a fine or/and imprisonment for a term not exceeding 2 years. On summary conviction, a fine not exceeding the statutory maximum or/and imprisonment for a term not exceeding 6 months.	Offence	Fine not exceeding level 5 on the standard scale (currently £5000) or/and imprisonment for a term not exceeding 6 months.
65A (1)	<p>False statements in nomination papers etc. At a parliamentary election, or any local government election in England or Wales a person causing or permitting to be included in a document delivered or otherwise furnished to the a returning officer for use in connection with the election -</p> <ul style="list-style-type: none"> (a) a statement of the name or home address of a candidate at the election which he knows to be false in any particular; or 	Any person	Corrupt practice	On summary conviction: Statutory maximum fine or 6 months. On indictment: fine or 1 year

	<p>(b) anything which purports to be the signature of an elector who proposes, seconds or assents to the nomination of such a candidate which he knows:</p> <p>(i) was not written by the elector</p> <p>(iii) if written by the elector, was not written by him for the purpose of signifying that he was proposing, seconding or assenting to the nomination.</p>			
66 (1)	<p>Requirement of secrecy Every returning officer and presiding officer or clerk and every candidate, election agent or polling agent attending a polling station shall maintain and aid in maintaining the secrecy of voting and unless authorised by law shall not communicate to any person before the poll is closed, information as to:</p> <p>(i) the name of any elector or proxy who has or has not applied for a ballot paper or voted at the polling station.</p> <p>(ii) the number on the register of electors of any electors who or whose proxy has or has not applied for a ballot paper or voted at the polling station; or</p> <p>(iii) the official mark.</p>	Any person		A fine not exceeding level 5 on the standard scale (currently £5000), or a term of imprisonment not exceeding six months.
66 (2)	<p>Requirement of secrecy Every person attending the a polling station at the counting of the votes shall maintain and aid in maintaining the secrecy of voting and shall not:</p> <p>(a) ascertain or attempt to ascertain at the counting of the votes the number on the back of any ballot paper;</p> <p>(b) communicate any information obtained at the counting of votes as to the candidate for whom any vote is given on a particular ballot paper.</p>	Any person		A fine not exceeding level 5 on the standard scale (currently £5000), or a term of imprisonment not exceeding six months.
66 (3)	<p>Requirement of secrecy No person shall:</p>	Any person		A fine not exceeding level 5 on the standard

	<ul style="list-style-type: none"> (a) interfere with or attempt to interfere with a voter when recording his vote; (b) otherwise obtain or attempt to obtain in a polling station information as to the candidate for whom a voter in that station is about to vote or has voted; (c) communicate at any time to any person any information obtained in a polling station as to the candidate for whom the voter is about to vote or has voted, or as to the number on the back of the ballot paper given to that voter at that station; (d) directly or indirectly induce a voter to display his ballot paper after he has marked it so as to make known to any person the name of the candidate for whom he has or has not voted. 			scale (currently £5000), or a term of imprisonment not exceeding six months.
66 (4)	<p>Requirement of secrecy Every person attending the proceedings in connection with the issue or the receipt of ballot papers for persons voting by post shall maintain and aid in maintaining the secrecy of the voting and shall not:</p> <ul style="list-style-type: none"> (a) unless authorised by law, communicate, before the poll is closed, to any person any information obtained at those proceedings as to the official mark; or (b) unless authorised by law, communicate to any person at any time any information obtained at those proceedings as to the number on the back of the ballot paper sent to any person. (c) unless authorised by law, ascertain or attempt to ascertain at the proceedings in connection with the receipt of ballot papers the number on the back of any ballot paper; or attempt to ascertain at the proceedings in connection with the receipt of ballot papers the candidate for whom any vote is given in any particular ballot paper or communicate any information with respect thereto obtained at those 	Any person		A fine not exceeding level 5 on the standard scale (currently £5000), or a term of imprisonment not exceeding six months.

	proceedings.			
66 (5)	Requirement of secrecy No person having undertaken to assist a blind voter to vote shall communicate at any time to any person any information as to the candidate for whom that voter intends to vote or has voted, or as to the number on the back of the ballot paper.	Any person		A fine not exceeding level 5 on the standard scale (currently £5000), or a term of imprisonment not exceeding six months.
66A (1)	Prohibition on publication of exit polls At a parliamentary election, or any local government election in England or Wales no person shall publish before the poll is closed: (a) any statement relating to the way in which voters have voted at the election where a statement is (or could reasonably be taken to be) based on the information given by voters after they have voted, or (b) any forecast as to the result of the election which is (or could reasonably be taken to be) based on information so given.	Any person		A fine not exceeding level 5 on the standard scale (currently £5000), or a term of imprisonment not exceeding six months.
94 (1)	Imitation poll cards No person shall for the purposes of promoting or procuring the election of a candidate at a parliamentary election issue any poll card or document so closely resembling an official poll card as to be calculated to deceive.	Any person	An illegal practice	A fine not exceeding level 5 on the standard scale (currently £5000).
97 (1)	Disturbances at election meetings Acting or inciting other to act, in a disorderly manner for the purpose of preventing the transaction of business for which the meeting was called.	Any person	An illegal practice	A fine not exceeding level 5 on the standard scale (currently £5000).
99 (1)	Officials not to act for candidates Acting as a candidate's in the conduct or management of an election.	Returning officers at a parliamentary or local government election, an officer or clerk appointed under the parliamentary rules, or the rule	An offence	A fine not exceeding level 4 on the standard scale (currently £2,500)

		under section 36 (England) or 42 (Scotland).		
100 (1)	Illegal canvassing by police officers No member of the police force shall by word, message in writing or in any other manner endeavour to persuade any person to give or dissuade any person from giving his vote by proxy or as an elector at any parliamentary election for a constituency or local government election for any electoral area with or partly within the police area.	Members of the police force		A fine not exceeding level 3 on the standard scale (£1000)
106 (1)	False statements of fact as to candidates Making or publishing false statements of fact in relation to the candidate's personal character or conduct, unless there are reasonable grounds for believing the statement is true.	Any person	Illegal practice	A fine not exceeding level 5 on the standard scale (currently £5000).
107	Corrupt withdrawal from candidature Corruptly inducing or procuring any other person to withdraw from being a candidate at an election, in consideration of any payment or promise of payment, and any person in pursuance of the inducement or procurement.	Any person	An illegal payment	A fine not exceeding level 5 on the standard scale (currently £5000).
109	Payments for exhibition of election notices No payment or contract for payment shall for the purposes of promoting or procuring the election of a candidate at an election be made to an elector or his proxy on account of the use of any house, land, building or premises for the exhibition of, any address, bill or notice unless – (a) it is the ordinary business of the elector, (b) and the payment it is made in the ordinary course of that business.	Any person	Illegal practice	A fine not exceeding level 5 on the standard scale (currently £5000).
110	Printer's name and address on election publications Failure to meet the imprints requirements.	A candidate or election agent.	Illegal practice	A fine not exceeding level 5 on the standard scale (currently £5000).

111	Prohibition of paid canvassers The person engaging or employing him and the person so engaged or employed for payment or promise of payment as a canvasser.	Any person	Illegal employment	
112	Providing money for illegal purposes	Any person	Illegal payment	
113 (2)	Bribery Directly or indirectly, by himself or by any other person on his behalf – (a) gives any money or procures any office to or for any voter or to or for any other person on behalf of any voter or to or for any other person in order to induce any voter to vote or refrain from voting, or (b) corruptly does any such act as mentioned above on account of any voter having voted or refrained from voting, or (c) makes any such gift or procurement as mentioned above to or for any person in order to induce that person to procure, or endeavour to procure, the return of any person at an election or the vote of any voter, or (d) upon or in consequence of any such gift or procurement he procures or engages, promises or endeavours to procure the return of any person at an election or the vote of any voter.	Any person	Corrupt practice	On summary conviction: Statutory maximum fine or 6 months. On indictment: fine or 1 year
113(3)	Bribery If they advance or pays or causes to be paid any money to or for the use of any other person with the intent that that money or any part of it shall be expended in bribery at any election or knowingly pays or causes to be paid any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any election.	Any person	Corrupt practice	On summary conviction: Statutory maximum fine or 6 months. On indictment: fine or 1 year
113(5)	Bribery If before or during an election he directly or indirectly by himself or	Any voter	Corrupt practice	On summary conviction: Statutory

	by any other person on his behalf receives, agrees, or contracts for any money, gift or loan of valuable consideration, office, place or employment for himself or for any other person for voting or agreeing to vote or for refraining or agreeing to refrain from voting.			maximum fine or 6 months. On indictment: fine or 1 year
113(6)	Bribery If after an election he directly or indirectly by himself or by any other person on his behalf receives any money or valuable consideration on account of any person having voted or refrained from voting or having induced any other person to vote or refrain from voting.	Any person	Corrupt practice	On summary conviction: Statutory maximum fine or 6 months. On indictment: fine or 1 year
RPA 113(7)	Bribery A person's ineligibility to vote does not necessarily prevent an act being bribery.	Any person	Corrupt practice	On summary conviction: Statutory maximum fine or 6 months. On indictment: fine or 1 year
Case law <u>R. v Vaughan</u> (1769) 4 Burr 2494	Bribery A common law offence of bribery as extends to attempt to bribe at an election.	Any person	Corrupt practice	
RPA 202(1)	Bribery The RPA defines 'voter' as a person voting at election and includes a person voting by proxy. This means the definition of bribery extends to proxy voting.	Any person	Corrupt practice	On summary conviction: Statutory maximum fine or 6 months. On indictment: fine or 1 year
114(2)	Treating If he corruptly, by himself or by any other person, either before, during or after an election, directly or indirectly gives or provides, or pays wholly or in part the expense of giving or providing, any meat, drink, entertainment or provision to or for any person (a) for the purpose of corruptly influencing that person or any other person to vote or refrain from voting; or	Any person	Corrupt practice	On summary conviction: Statutory maximum fine or 6 months. On indictment: fine or 1 year

	(b) on account of that person or any other person having voted or refrained from voting, or being about to vote or refrain from voting.			
114(3)	Treating Every elector who corruptly accepts or takes any meat, drink or entertainment or provision.	Any elector or his proxy	Corrupt practice	On summary conviction: Statutory maximum fine or 6 months. On indictment: fine or 1 year
115	Undue influence Where they directly or indirectly make use of or threaten to make use of force, violence or restraint, or inflicts or threatens to inflict any temporal or spiritual injury, damage or harm in order to induce or compel any voter to vote or refrain from voting. Impeding or preventing the free exercise of the franchise of an elector. Interfering with a voter when they are recording their vote.	Any person	Corrupt practice	On summary conviction: Statutory maximum fine or 6 months On indictment: fine or 1 year

RPA 2000

Sch 4(8)	Absent voting – Offences (a) making a false statement within any relevant declaration or form, or (b) attesting an application (under para 3 or 4 of Sch.4) when they know they are not authorised to do so or that it contains a statement which is false.			A fine not exceeding level 5 on the standard scale (currently £5000).
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Appendix B

The election process

Electoral registration

1 Electoral registration is the responsibility of the Electoral Registration Officer for each council area. The Electoral Registration Officer and the Returning Officer for local elections in England is usually the same person. In Wales they may not be the same person but will both work for the same local authority.

The annual canvass phase

2 From the beginning of September each year a new register is compiled which is published at the beginning of December. Each household is required to complete the canvass form in respect of everyone in the household over the age of 18 and those who will become 18 during the life of the register. The person completing the return must sign and return it to the Electoral Registration Officer.

The rolling registration phase

3 Since 2001 it has been possible to register to vote at any time from December through to September outside the annual canvass period described above. This allows people who move house to voluntarily supply updated details. The process is called 'rolling registration'. To be eligible to vote at a particular election, applications to register must be received no later than 11 days before polling day.

4 It is possible for some electors, such as students and Members of Parliament, to register at more than one address if they spend a substantial amount of time at each property. The only restriction is that they must not vote more than once in an election to the same body.

5 Electoral Registration Officers and Returning Officers must make information available in English in England, and English and Welsh in Wales. They may also make information available in minority languages and in written, Braille, pictorial, graphical and audio tape formats.

6 It is an offence to supply false information to an Electoral Registration Officer for any purpose connected to electoral registration.²⁶

²⁶ Section 13D Representation of the People Act (RPA). Unlike the Section 62A RPA 1983 offence, in this case it is not necessary to establish an intention to gain, or deprive another of, a vote

7 There can be two main motives for fraudulent registration. One is to register fictitious people or people at an address where they do not live in order for financial fraud, as, for example, credit reference agencies check electoral registers. Fraudulent voting may be a by-product of such a practice. The other is where an attempt may be made to unlawfully influence the outcome of elections by registering fictitious or ineligible people. If the Electoral Registration Officer has good reason to suspect that fraudulent registration has taken place they have been advised to inform the police. An early, positive and well-publicised response may help to deter other attempts.

Poll cards

8 Returning Officers will send out poll cards as soon as practicable after the publication of the Notice of Election. They must now send poll cards to all electors whether they are registered to vote in person, by post or by proxy. Every elector who is registered to vote by post will receive a poll card confirming that their postal ballot pack will be delivered to them, with an indication as to when it is likely to arrive. The proxy poll card must also include the proxy's name and address and details of the elector for whom the proxy is voting. Neither the voter nor a proxy needs to bring their poll card with them to the polling station in order to vote.

Anonymous registration

9 The Electoral Administration Act 2006 provided an opportunity from 1 June 2007 for people to legally register to vote anonymously. Applicants must give a qualifying reason. The test is that 'the safety of the applicant for an anonymous entry or that of any person of the same household would be at risk if the register contains the name of the applicant or their qualifying address'.²⁷ The application must be supported by either documentary evidence or an attestation. ACPO and the Electoral Commission have prepared joint guidance on this facility which will appear at Appendix I when it is published. Anonymous registration is much less susceptible to fraud than most other forms of registration because the application must be attested. An elector who is registered as an anonymous voter must bring their polling card with them to the polling station if they decide to vote in person.

Absent voting

10 The term 'absent voting' describes the two ways in which an elector may vote other than in person at a polling station on polling day. These are proxy voting and postal voting. Both options require an application in writing by the elector. The person appointed to vote as a proxy may also apply to vote by post.

11 The Electoral Registration Officer for each council area is responsible for processing applications for absent votes and maintaining lists of proxy and postal voters in addition to maintaining the register of electors. The Returning

²⁷ Section 9(b)(10) RPA 1983

Officer is responsible for issuing postal votes to electors and for administering proxy votes. In England and Wales these tasks are both done by local authority staff.

12 To avoid double voting, where the Returning Officer is satisfied that two or more entries in the absent voters list or in the list of postal proxies or in each of those lists relate to the same person, only one ballot paper will be issued in respect of that elector at any one election.²⁸

13 A security measure first introduced for the May 2007 elections is a requirement that the Electoral Registration Officer must maintain a record of the name, signature and date of birth of anyone applying to vote by proxy or by post.²⁹ The only exception to recording the signature is where a waiver has been agreed on the grounds of the person's incapacity to provide a signature.³⁰ Where a waiver is sought the applicant must provide reasons along with the name and address of any person who has assisted them with the completion of the application.³¹

14 Every absent voting application must include the applicant's signature and date of birth.

Proxy voting

15 An elector may appoint a person to vote on their behalf – who is known as a proxy. A proxy vote may be requested for all elections or for a specific election. An application for a proxy vote on a permanent basis must be attested by someone with the authority to vouch for the elector's inability to vote in person. An application to vote by proxy for a single occasion must state why a proxy is needed but does not need to be attested. For example, if the elector knows they will be abroad when ballot papers are due to be issued and it is unlikely that a postal vote could be despatched and returned before the close of poll. To obtain a proxy vote, the elector must sign the application form. Then the person chosen to act as proxy must sign to state that they agree to do so, or the applicant can sign to that effect.

16 Written confirmation of the proxy voting arrangement **must** be sent both to the elector and the proxy. This is an important anti-fraud requirement. Electoral Registration Officers have been advised to monitor not only any notifications that are returned stating that the elector has not applied for the facility but also any returned marked 'not known at this address'. Where their suspicions are aroused they have been advised to notify the police.

17 A provision introduced in May 2006 permits electors to apply to vote by proxy if they become physically incapacitated between six working days before polling day (the deadline for ordinary proxy applications) and 5pm on

²⁸ Regulation 73 Representation of the People (England and Wales) Regulations (RPR) 2001

²⁹ Schedule 4 RPA 2000 and Paragraph 2, Schedule 1 to the National Assembly for Wales (Representation of the People) Order (NAW (RoP) Order) 2007

³⁰ Regulation 61C RPR 2001 and Paragraph 1, Schedule 1 to the NAW (RoP) Order 2007

³¹ Regulation 51(2)(j) RPR 2001 and Paragraph 1, Schedule 1 to the NAW (RoP) Order 2007

polling day.³² This will allow an elector who is hospitalised or has an accident to appoint a proxy. Applications under this provision must be attested by a qualified person and the date when the incapacity started must also be stated. The Electoral Commission has suggested that the proxy of any voter whose emergency application has been accepted should be given a letter of authorisation to that effect. However, there is no requirement in law that the proxy needs to present that letter to the Presiding Officer at the appropriate polling station. The Commission has suggested that every effort is made by Electoral Registration Officers to alert the appropriate Presiding Officer to the new appointment. Returning Officers will be alert to any abuse of this facility.

Postal voting

18 More and more electors are applying to vote by post since postal voting became available on demand in 2001 and we recognise that this is an area which requires constant vigilance.

19 Electors may apply for a postal vote for a particular election, a specified period or permanently. The Electoral Registration Officer's power to check a signature on a postal vote application against any signature previously provided by the applicant is now expressly permitted.³³ The following steps are intended to deal with problems that may arise.

New applications for postal votes

20 To apply for a postal vote the elector must give certain information in writing. This can be by letter, fax or on an application form. The information needed to register for a postal vote is:

- the full name of the applicant
- the address where the applicant is or will be registered
- the address to which the ballot paper should be sent, and a reason for redirection if this address is not the elector's registered address
- whether it is for an indefinite or definite period or for one election only
- whether it is for Parliamentary elections, local elections or both
- the date of birth of the applicant, and
- the date the application is made

The application must also be signed and the signature be provided in a way that can be electronically scanned by the Electoral Registration Officer.³⁴

21 Following receipt of the application the elector must be sent confirmation that they have applied for a postal vote and the outcome of that application. If they have also requested that the postal vote be directed to another address, the written confirmation will also include details of the

³² See election timetable for date. An election timetable giving specific dates for the next election can be found on the Electoral Commission's website at:
<http://www.electoralcommission.org.uk/elections/englandtimetable2008.cfm>

³³ Regulation 51A RPR 2001

³⁴ Regulation 51 RPR 2001 and Paragraph 1, Schedule 1 to the NAW (RoP) Order 2007

address to which the ballot pack is to be directed. These measures are intended to prevent someone seeking to commit fraud by applying for a postal vote without the knowledge of the voter.

22 Electoral Registration Officers and Returning Officers must make information available in English in England and English and Welsh in Wales. They may also make information available in minority languages in written, Braille, pictorial, graphical and audio tape format.

23 In order to show vigilance and combat potential fraud, election officials will monitor the instances of new applications for postal votes that ask for the ballot papers to be sent to an address other than where the elector is registered. Where several postal votes are redirected to a single property and there is no reasonable explanation as to why this has occurred, the Electoral Registration Officer should conduct initial checks and immediately refer the matter to the police for an investigation if deemed appropriate. A speedy and well-publicised police response at this stage may serve to demonstrate the seriousness with which such matters are regarded.

24 Although the Electoral Registration Officer may refer such requests to the police, the Returning Officer must still issue the ballot paper as soon as practicable.³⁵

Existing postal voters seeking to redirect their postal ballot packs

25 Electors who are already registered to vote by post can request that their postal ballot pack be sent to an address that is not their registered address but they must give a reason for the redirection request. Following receipt of a redirection request, confirmation that the postal ballot will be sent to another address must be sent to the elector at their registered address. With many applications arriving at the last minute, this confirmation may be a little belated but it should still help to draw attention to any malpractice and may help prevent someone seeking to commit fraud by redirecting a postal vote without the knowledge of the elector.

26 Some Returning Officers have adopted a standard form which contains a declaration that the individual will be at the address where the ballot paper is to be redirected; however while this is seen as an aid to security, the completion of such a form is not required by law.

27 In order to show vigilance and combat potential fraud, Electoral Registration Officers have been advised to monitor the instances of postal vote redirection requests. In the same way as for new applications to vote by post, where several postal votes are redirected to a single property and there is no reasonable explanation as to why this has occurred, the Electoral Registration Officer has been advised to conduct initial checks and refer the matter to the police for an investigation if deemed appropriate. The Electoral Registration Officer may also monitor the reasons given for redirection if a pattern appears evident. A speedy and well-publicised police response at this

³⁵ Regulation 71 RPR 2001

stage may serve to demonstrate the seriousness with which such matters are regarded.

28 Although the Electoral Registration Officer may refer such requests to the police, the postal ballot pack must still be issued as soon as practicable.³⁶

The postal ballot pack

29 The Returning Officer will send every elector who has registered to vote by post a postal ballot pack. Each pack will contain:

- a ballot paper
- an envelope, marked with the letter A
- a postal voting statement
- a larger envelope, marked with the letter B
- a set of instructions for the voter

30 The ballot paper and the postal voting statement issued to each postal voter will both display unique identifying marks, such as a barcode. The mark on the postal voting statement will enable the production of the list of returned postal voting statements. The mark on the ballot paper will help to verify that the ballot paper has been correctly issued and assist if the result is challenged. In addition, each ballot paper must bear the official mark. This was, and still may be, a perforation through the ballot paper made when it is issued. However, now it need only be a device, such as a watermark, heat sensitive dot or a grey-shaded design, selected by the Returning Officer.

31 In England and Wales, the ballot paper can look very different from election to election and even ward to ward. If voting is taking place for more than one body, the ballot papers for each body will have a different colour.

32 Once the voter has made a mark on the ballot paper against the name of their preferred candidate or party (or candidates in the case of some local government elections, if more than one can be selected), the ballot paper(s) should be put in envelope A and sealed. The voter should write their date of birth on the postal voting statement and sign the document. The postal voting statement should then be placed, together with envelope A, into the return envelope B. Envelope B should be sealed and sent back to the Returning Officer. The return envelope may be marked with purple flashes to make it more visible. Some areas may also have parish or community council elections at the same time as other local elections and a separate ballot paper and envelope may be included. Electors can also hand their completed postal ballot in at a polling station in their ward.

33 The police SPOC may wish to seek information from the Returning Officer about when the postal ballot packs are scheduled for delivery, to which parts of the constituency or local government area and who will be delivering them so that consideration may be given to appropriate measures to deter any attempt to intercept them or remove them from letterboxes. Claims have been

³⁶ Regulation 71 RPR 2001

made, and allegations would suggest, that the period immediately following the delivery of the postal ballots is when malpractice, especially attempts to persuade electors to hand over their unopened ballot papers to another person, is most likely to occur.

34 Royal Mail may be approached by the police SPOC to see what assistance they can give in identifying and preventing possible postal voting malpractice. For example, they may alert the police where large numbers of postal ballots are directed to a single or questionable address, they may ensure that their local collection mailboxes are emptied more frequently during the period when most postal votes are returned to avoid them overflowing and a procedure should be agreed in the event of a mailbox that possibly contains completed postal ballots suffering an arson attack.

Replacement ballots

35 A replacement postal ballot pack may be issued by the Returning Officer where the original postal ballot paper is spoilt (i.e. the elector has made a mistake), lost or not received up until 5pm on polling day.

36 Replacement postal ballot packs may be issued by post, where time allows, or by hand. The Returning Officer may ask the applicant to call in person at the office where possible for security purposes.

37 Before issuing a replacement for a postal ballot paper that has not been received or has been lost, the Returning Officer may consider asking the elector to confirm in writing that the ballot paper is lost or has not been received, and should maintain a list of any proof of identity required.

38 Before issuing a replacement postal ballot pack, the Returning Officer must be satisfied as to the voter's identity. The Electoral Commission has circulated guidance on what proof of identify may be appropriate and advised each Returning Officer to set down in writing, prior to the election, which of the measures in the guidance will be adopted locally. These will usually be one form of photo-document showing the elector's name or two documents linking the applicant's name and address with the current entry on the register of electors.

39 Where a ballot paper or postal voting statement has been spoilt, all posting voting documentation must be returned to the Returning Officer before a replacement pack is issued by post or by hand. Although there is no provision in law for the same level of proof of identity as in the case of lost postal ballot papers, Returning Officers may wish to follow the Commission's guidance procedure for the replacement of lost ballot papers.

The postal voting statement

40 The postal voting statement is an important document. The elector must sign it to say they are the person to whom the ballot paper was sent and give their dated of birth. There is no longer a requirement for the voter's signature to be witnessed as was the case with a declaration of identity. The postal voting statement has replaced the declaration of identity.

41 The Returning Officer is now required to check at least 20% of returned postal voting statements in each ballot box opened against the personal identifiers held on file from postal voting applications. The Returning Officer may consider discussing with the police SPOC what level of satisfaction will be adopted with regard to signature matching and whether there would be merit in having the police in attendance during these opening sessions.

42 **The elector must complete their postal ballot in secret.** The elector should contact the local elections office if they need assistance to complete their ballot paper, and this advice is included in the postal ballot pack.

Reducing the risk of undue influence

43 Postal voters may deliver their voting papers on polling day to a polling station in their electoral area (ward or constituency) if they so choose.

Tracking returned postal ballots

44 Postal voters are now able to make inquiries of the Returning Officer as to whether their postal ballot papers have been returned. The Returning Officer will be able to confirm if a postal voting statement has been marked back in their system. Returning Officers must establish a system for doing this, and have been advised to also consider monitoring such requests for any suspicious patterns. Should a pattern raise any suspicion of malpractice that can be substantiated, Returning Officers have been advised to refer the matter to the police for investigation.

45 Returning Officers are required to compile a list of returned postal voting statements and separate lists of unmatched postal voting statements and unmatched ballot papers. This may be of assistance to Returning Officers and the police if allegations of postal voting malpractice are made.

Polling stations

Police support

46 Police BCU commanders will decide the level of police support required at polling stations and Returning Officers may offer useful advice and information. Police constables may be present on duty in the polling station at any time, although it is the Presiding Officer's duty to maintain order within the polling station.³⁷ In many areas, it is now common practice to provide mobile policing support to polling stations. It is important that the Presiding Officer and the police work together to maintain order within and around the polling station.

Who can be present in polling stations?

³⁷ Regulations 32 and 33, Schedule 1, RPA 1983, Rule 31 Local Elections (Principal Areas) Rules (LEPAR) 2006 and Rule 42 Schedule 5 to the NAW (RoP) Order 2007

47 The law restricts who may be present inside a polling station. In addition to members of the Returning Officer's staff only the following people may be present:

- voters and children who are accompanying them
- companions of voters with disabilities
- candidates at the elections
- candidates' election agents, and polling agents appointed to the specific polling station
- police officers on duty
- observers accredited by the Electoral Commission³⁸
- Electoral Commission representatives³⁹

48 Voters and their companions may enter a polling station in connection with casting a vote; they must vote without undue delay and leave the polling station as soon as they have put their ballot paper into the ballot box. Electors can also visit the polling station to hand in completed postal ballots. The Presiding Officer may instruct a person to leave, and may instruct their removal by the police or a person appointed by the Returning Officer.

49 Candidates, their election agents, specifically appointed polling agents, and accredited observers may enter polling stations to observe proceedings. They may also make allegations of personation and require related action by the Presiding Officer. Candidates and agents may mark off on their copy of the register of electors those voters who have applied for ballot papers. However, if they leave the polling station during the hours of polling their marked copy of the register must be left in the polling station in order not to breach the secrecy of the ballot.⁴⁰

Candidates, election agents and polling agents

50 Candidates, their election agents and polling agents may enter polling stations to vote and to observe proceedings. They cannot interfere with the voting process nor influence voters and if such action takes place the Presiding Officer can ask for them to be excluded.

Tellers

51 It is a well-established practice for candidates, or their agents, to appoint 'tellers', **positioned outside a polling station**, to record the names of electors who have voted. Tellers should not be confused with party agents whose appointment and duties are described in legislation, though they may wear rosettes to indicate on whose behalf they are working. The role of the teller is to assist party workers to identify potential supporters who have yet to vote. This is usually done by asking voters for their poll card or electoral number as they enter or leave the polling station. Voters are under no obligation to provide this information.

³⁸ Accredited observers will be issued with photographic identification that they must show on request

³⁹ Accredited representatives will be issued with photographic identification that they must show on request

⁴⁰ Section 66 RPA 1983

52 Tellers play an important role in encouraging turnout but they have no legal standing. Tellers must not attempt to induce, influence or persuade an elector how or whether to vote. They have been advised to ensure that their conduct does not give rise to allegations of undue influence, such as discussing voting intentions, party affiliations, candidate's history, and party campaigns or undertake any other activity particularly associated with one party or candidate.

53 Presiding Officers have responsibility for ensuring that electors are given an opportunity to cast their vote in secret. Any decision regarding the location or behaviour of tellers is a matter for the Presiding Officer and Returning Officer. Should tellers, or anyone else, intimidate voters, cause a nuisance or obstruct the polling station, and the Presiding Officer be unable to resolve the matter, the agent of the party or independent candidate they are representing should be informed. If the situation persists, further assistance from the political parties and/or the police may be sought.

54 The Commission has issued more detailed guidance relating to tellers in its *Guidance for candidates and agents*. However, this has no standing in law, although it does reinforce good practice. Political parties are encouraged to bring this guidance to the attention of their tellers.

Campaigning in the environs of polling stations

55 While it is clear that campaigning cannot happen within a polling station, there is no legal clarity on activities around polling stations. The overriding aim of a polling station is for electors to have a place in which to quietly and privately cast their vote free of any intimidation (whether real or perceived) and where the secrecy of the ballot will be respected. They should be able to enter and leave the surrounding area in the same manner.

56 It is well accepted that the Returning Officer will not allow any campaign activity such as the display and distribution of election material to be undertaken in the polling station itself.

57 There should be no long-term parking of vehicles used for campaign purposes, for example, displaying election materials or using loudspeakers, immediately outside entrances to polling stations. Cars being used in campaigns that are also used to transport voters may need to wait for the voter while they are at the polling station, but the wait should not be unduly prolonged. It should be noted that driving an elector to the polling station to cast their vote is a generally accepted practice that does not constitute the offence of **treating**.

58 The Presiding Officer will not allow large groups of a candidate's supporters or detractors to gather in the environs of the polling station. They will be particularly alert to actions that may lead to electors feeling intimidated or influenced. Influencing includes deterring an elector from voting at all as well as influencing them to vote or not for a particular candidate or party.

59 It is for the Returning Officer and Presiding Officer to decide whether particular campaign activities conducted in the environs of a particular polling station should be permitted to continue or should be dispersed, bearing in mind the need to balance the competing needs of campaigners and electors. The Returning Officer may need to call upon party representatives or the police to ensure public order at or near polling stations.

Personation

60 Personation (fraudulently purporting to be a voter) is an offence. Incidents of personation are low, however the law provides for specific actions where the Presiding Officer, candidate or agent present in the polling station suspects personation.

61 At a polling station, if suspicions of personation are aroused when issuing a ballot paper, the Presiding Officer may put two statutory questions to a person applying for a ballot paper.⁴¹ The wording is prescribed. The first question asks if the voter is the person registered in the register of electors for the election under the name shown on the register. The second question asks whether the person has already voted at the election, other than as a proxy for some other person⁴²

In Wales, voters may be asked the same questions in Welsh.

62 If the voter confirms that they are the person named on the register and says that they have not already voted, the Presiding Officer must issue the person with a ballot paper. No proof of identity or poll card has to be produced. The only exception is in the case of an anonymous elector who must show their poll card in order to vote.

63 Variants of these questions are specified for use where a person requesting a ballot paper as a proxy is suspected of personation. Cases of personation of a proxy voter are extremely rare.

64 If the Presiding Officer has reason to believe that the offence of personation has been committed, or if a candidate, election agent or polling agent declares to the Presiding Officer that they believe this to be the case, and is prepared to substantiate the charge in court, the Presiding Officer should refer the matter to the Returning Officer or directly to the police. Before the introduction of the Electoral Administration Act 2006, the Presiding Officer had the power to order a police constable to arrest a person suspected of personation. This special facility no longer applies.

65 It should be noted that the person must be allowed to vote if they answer the prescribed questions satisfactorily even if they are subject to an allegation of personation by a candidate or their election agent or if they are

⁴¹ Rule 35(1), Schedule 1, RPA 1983, Rule 29 LEPAR 2006 and Rule 44 Schedule 5 to the NAW (RoP) Order 2007

⁴² Rule 35 (1A), Schedule 1, RPA 1983, Rule 29 LEPAR 2006 and Rule 42 Schedule 5 to the NAW (RoP) Order 2007

arrested on the grounds that they are suspected of committing or of being about to commit such an offence.⁴³

66 The Commission has produced a template giving advice and a form that may be used where personation is alleged at a polling station. It has encouraged Returning Officers to supply this to all Presiding Officers. A copy of the advice and template is included at Appendix C.

67 Candidates and agents may require the Presiding Officer to put the statutory questions set out above to an elector or proxy when they apply for a ballot paper. They may make allegations of personation.

Absent voters seeking to vote at a polling station

68 The register at each polling station will be marked to show where an elector has chosen to vote by post. These electors cannot be issued with a further ordinary ballot paper at the polling station. An elector may claim not to have applied for a postal vote despite being recorded as having done so.

69 Where an elector, who is registered as a postal voter, arrives at a polling station claiming not to have received their postal ballot, the Presiding Officer may issue a pink tendered ballot paper to them. This is a new provision. The Commission has advised Returning Officers and Presiding Officers that where this situation arises early enough on polling day, the elector should be encouraged to call in person at the offices of the Returning Officer before 5pm, so they can be issued with a replacement postal ballot pack.

70 The Commission has also encouraged Returning Officers to supply each Presiding Officer with a form on which to record the details of electors claiming not to have applied for a postal or proxy vote. They may also encourage Presiding Officers to ask the aggrieved elector to sign the form so that their signature can be checked after polling day against the one on the application form held at the elections office. A template form issued by the Commission is shown at Appendix D. In the vast majority of cases electors forget that they have applied for a postal vote for all elections and there has been no malpractice.

71 If there is a pattern of tendered ballot paper requests which appears suspicious and warrants investigation, the Returning Officer may wish to draw this to the attention of the police.

Postal vote opening, the verification and the count

72 Once the Returning Officer takes delivery of returned postal ballot envelopes they must be kept in a secure place and the process thereafter is closely scrutinised.

⁴³ Rule 36, Schedule 1, RPA 1983, Rule 30 LEPAR 2006 and Section 25 The Police and Criminal Evidence Act 1984. See Preserved powers of arrest in Schedule 2 of the Act

73 The opening of returned postal ballot envelopes may take place on several occasions in the days before polling day, as well as during polling day and at the count following the close of poll. Candidates and/or their agents will be advised of the date and time when these openings will take place and will be invited to observe the proceedings. The police may also be invited to attend these openings.

74 A formal procedure is set out for the opening of returned postal ballot envelopes. At the opening, the postal voting statement is checked to see that all fields have been completed and that the number on the postal voting statement tallies with that on the ballot paper envelope. This is called the postal voting verification process and no votes are counted at this stage.

75 Returning Officers are now obliged to check a sample of at least 20% of returned postal voting statements at each opening session. This further check requires a comparison of the signature and date of birth provided on the statement against the personal identifiers collected before the election. The Commission has advised Returning Officers of the following regarding this process:

- that they should where possible check 100% of returned postal voting statements
- that they may wish to seek advice from police or other services on their signature-checking plans
- that if identifiers provided on the postal voting statement do not match those supplied at application that they consider whether referral to the police for investigation is warranted

76 The verification and the count will usually take place at one or more central locations. The contents of each ballot box from the polling stations are first checked to verify that the number of ballot papers they contain match the number of ballot papers issued by the Presiding Officer. Once the number of ballot papers in a box is verified they are then mixed with the contents of other verified boxes and the counting of the votes cast for each candidate then takes place.

77 An issue has arisen in recent years as to the validity of (postal) ballot papers that appear to be altered, either with a clearly different writing instrument or with correction fluid. Returning Officers have been advised that any such ballot papers should be treated by count staff as 'doubtful' at first count, and put forward for adjudication where the Returning Officer decides on their validity in the presence of candidates and agents. While such ballot papers may still be counted if they otherwise meet the requirements for validity, the Returning Officer may consider packaging them separately in case of later challenge.

78 Everyone who attends either the opening of the postal votes or the verification and count is bound to secrecy.⁴⁴ Nobody is allowed to reveal how any elector has voted should they inadvertently gain such information. Only the Returning Officer and the Returning Officer's staff are allowed to touch the ballot papers.

⁴⁴ Section 66 RPA 1983 and Article 35 NAW (RoP) Order 2007

Appendix C

Advice to Presiding Officer regarding personation

By the day of the election a Presiding Officer should have some understanding of the level of police presence/response that a polling station may expect from the local police.

Where an incident that a Presiding Officer believes may constitute an offence occurs inside or in near a polling station, then they may consider calling the police and asking those involved to await the arrival of a police officer.

Where there is confrontation, or a reasonable expectation of confrontation, then the Presiding Officer should consider their own safety and the safety of all other people present as a priority.

In such circumstances confrontation should be avoided but consideration may be given to other ways of supporting a police investigation, such as recording registered numbers of vehicles and preserving items touched by a person involved in an incident if it is safe to do so until the arrival of an officer.

Should an incident arise, the form on the reverse of this advice may be used to make a record of events.

Statement supporting an allegation of personation

Statement of (print name in block capitals)

This statement, consisting of page(s), each signed by me, is true to the best of my knowledge and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated.....(insert day month and year)

On (insert day month and year) I was in attendance at

..... polling station, at

.....(address).

in the following capacity:

Presiding Officer/Poll Clerk/Candidate/Agent/Police Officer (please delete) or other, please state.....

Atam/pm the Presiding Officer asked the person seeking to vote the statutory questions:

1. In response to the first question (regarding identity)

The person (who I know/believe to be) replied
'.....'

2. In response to the second question (about whether the person had previously voted)

The person (who I know/believe to be) replied
'.....'

Signature of person making statement

Witnessed by (signature) (print name)

3. Further comments may be added on the reverse of this form or on another piece of paper. Please make sure each sheet is signed and witnessed.

Appendix D

Polling station log for electors arriving to vote but shown as absent voters

Polling station log

Polling station number:

Electors marked as absent voters who claim not to have requested a postal or proxy vote

Date

Polling station address:

.....
.....
.....

(to be completed by the Presiding Officer)

This log will not be looked at until after the election.

The purpose of this log is to provide additional information that can help Electoral Services to improve the service we provide.

Thank you for completing this log.

Please hand this log to the reception staff at the count.

Signature of Presiding Officer

Appendix E

Storage of election documents, documents open to public inspection and documents requiring a court order

Basis for storage of records

After each election, the Returning Officer has to seal up into packets the documents used in the election. These packets are then kept in store for at least one year⁴⁵ and retained by the Electoral Registration Officer.

The legislation allows some of these documents to be made available for public inspection but others would only be available for inspection after obtaining a court order. In broad terms, documents are available for public inspection unless they are ballot papers and corresponding number lists or are such that inspecting them might lead someone to see how an elector has voted.

In addition to the election documents specified, there are other documents used in the electoral process, such as electoral registration forms and application forms for postal votes, both of which are kept by the Electoral Registration Officer, and candidates' nomination papers, which need some detailed explanation. For some of the forms in this group, the law is silent on whether they are available for public inspection.

The three lists of documents below show:

- those which are specified in law as available for public inspection
- those which are specified as not available for public inspection and therefore only available for inspection following a court order
- those over which there is some doubt on whether they are available for inspection or not, or where some comment is needed

Election documents available for public inspection⁴⁶

The prescribed documents are:

- the ballot paper accounts (the record by each Presiding Officer of the ballot papers issued for each polling station), statements of rejected papers and result of verification of ballot paper accounts

⁴⁵ Rule 54 Principal Area Rules 2006

⁴⁶ Rule 57 Schedule 1 to the RPA 1983 and Regulations 118 and 119 RPR 2001

- the tendered votes list (the list showing where a different coloured ballot paper is issued to an elector because the polling station register is marked as if that elector has already voted or the elector claims never to have received their postal ballot or where the elector claims not to have applied to vote by post), lists of voters with disabilities, votes marked by Presiding Officer, declarations made by voters with disabilities
- the packets containing marked copies of the registers and lists of proxies
- the marked copies of the absent voters list and the list of postal proxies
- the postal voting statements
- the postal ballot paper envelopes

Election documents not available for public inspection⁴⁷

These following election documents would need a court order to be inspected. The prescribed documents are:

- the packets of ballot papers (a separate packet each for counted, rejected, spoilt and unused and, tendered ballot papers)
- the corresponding number list (by which an elector could be identified)
- the postal ballot papers marked 'rejected' (those rejected at the opening of the postal ballot envelopes because they did not have a matching postal voting statement, etc.)
- the certificates of employment on duty on day of poll

Other electoral documents that may require a court order before being inspected

The documents described in this section are those that might be useful in any investigation of malpractice, but about which the law is silent as to whether they are either available for public inspection or for inspection by others.

Electoral registration forms/rolling registration forms

There is nothing in electoral legislation that specifically mentions whether these forms can be inspected by the public or the law enforcement agencies. However, because they contain information that does not appear on the published electoral register, e.g. the signature of the householder, information about over-70s for jury selection, information about nationality, information about service voters, etc., most Electoral Registration Officers treat them as being confidential between the householder and the Electoral Registration Officer, and will not allow them to be inspected without a court order.

In addition, there is an issue about how long these forms are kept. Again, the law does not specify. Good practice would suggest that these forms be kept for at least one year, i.e. the period of time the electoral register they relate to is in force, or maybe two years given that a name cannot be deleted from the register unless no form has been received from a property for two years. Many authorities now scan forms into electronic media, making storage much

⁴⁷ Rule 57 Schedule 1 to the RPA, Rule 61, and Regulation 118, RPR 2001

less of a problem, so some may keep at least an image for more than two years. The length of time electoral registration forms are kept depends on the procedures, facilities and storage space of each local authority.

Applications for absent votes

Again, the law is silent about these forms but it is felt that most Electoral Registration Officers would be reluctant to make them available for confidentiality reasons.

It is likely that these forms would be kept for at least as long as the absent vote is in force and maybe longer, again depending on each local authority's storage space.

Candidates' nomination papers

These papers might be useful in any investigation because they contain the signatures of the electors (and the elector numbers) who have subscribed the nomination. However, the legislation is quite specific about the inspection of nomination papers and it differs for different elections.

For local government elections, the nomination papers are open to public inspection, but only between the close of nominations and the day before the election.

As to how long the local government nomination papers should be kept, again the law is silent. It is likely that they would be kept with the rest of the election documentation held by the Electoral Registration Officer, but practice would vary between authorities and some authorities might decide to destroy them immediately.

For parliamentary elections, there is no right of inspection of nomination papers and again, the law is silent on how long they should be kept.

Appendix F

Threat assessment and control strategy checklist

	Action	Who	Date
<p>General</p> <ol style="list-style-type: none">1. A central operations unit, in most forces likely to be the economic crime unit, should be identified at the lead on election issues. Whatever central unit is chosen, the term 'appropriate unit' will be used in this document.2. A force threat assessment and control strategy should be prepared that identifies where advice should be provided at election time for all staff and the public. It should provide named point of contact details at basic command unit, the appropriate unit and force levels. This should also include a strategy for communication with all stakeholders.3. All briefings should make reference to the current guidance. This will help to prevent and deter electoral malpractice, and encourage the proper responses to any allegations of malpractice.4. A force media strategy should be prepared for the election to cover prevention, investigation and arrest situations. This should also include liaison with the Electoral Commission press team as required.5. The Electoral Commission has advised electoral administrators that they should			

	Action	Who	Date
<p>have an initial election meeting with the police as soon as possible and one immediately after the deadline for nomination of candidates, when security issues will be clearer.</p> <p>6. Establish a Gold Command structure at the earliest opportunity for the entire election process.</p> <p>7. Issue all officers with the pocket guide that sets out election offences, suggested actions and contacts; tailor it for local use by adding the force and BCU SPOC names and contact details.</p>			
<p>Prevention and reduction</p>			
<p>1. Intelligence gathering – identify whether the level of risk locally warrants the creation of a specific task force.</p> <p>2. Consider whether all information or intelligence logs relating to election fraud should be sent to the appropriate unit.</p> <p>3. The appropriate unit should be expected to carry out analytical work to help develop appropriate control strategies in conjunction with force intelligence capabilities. Electoral administrators, political parties, party officials and candidates may be able to assist.</p>			
<p>4. The appropriate unit should act</p>			

	Action	Who	Date
<p>as a reference or advice point for officers dealing with allegations of electoral malpractice.</p> <p>5. A named contact in each local authority elections office should be identified and each one assigned a police SPOC who will liaise with the appropriate unit.</p> <p>6. The appropriate unit should create a full list of contact details and circulate it to all basic command units.</p> <p>7. Pre-election planning meetings between the local authority named contact, political parties and police SPOC should be held. The first should be as soon as possible and another in April. A checklist of topics that might be discussed is at paragraph 4.4 of Section 4 (page 20) of the guidance. Pre-election planning meetings should also be held with the political parties.</p> <p>8. The appropriate unit should liaise directly on a daily basis with the named local elections officer for each council area in the run-up to polling day.</p> <p>9. Police should attend and give input to any candidates and election agents briefing organised by the Returning Officer.</p>			

	Action	Who	Date
<p>10. Police should encourage the Returning Officer to provide the Presiding Officer at each polling station with a form on which to record details of any elector arriving to vote who is registered as a postal voter, preferably one that includes space for a signature if the elector is willing to give one.</p>			
<p>11. Police should encourage the Returning Officer to provide the Presiding Officer at each polling station with a form on which to record details of any attempted or alleged personation.</p>			
<p>12. A force media strategy should be prepared and circulated to officers to promote confidence in the electoral process, while emphasising measures to prevent malpractice and the approach to allegations of electoral malpractice. This should also include liaison with the Electoral Commission press team.</p>			
<p>13. A direct police hotline should be set up, via Gold Control, for advice on election related crime throughout polling hours on polling day.</p>			
<p>14. The force student liaison officer should offer to assist the Returning Officer in making the delivery of postal votes to multi-occupied student properties more secure by raising awareness of security issues and identifying key contacts who are prepared to take responsibility for ensuring the postal ballots are delivered</p>			

	Action	Who	Date
<p>to the intended recipients.</p> <p>Investigation</p> <ol style="list-style-type: none"> 1. Consider setting up a team to address proactive issues and investigate allegations of election malpractice identified by intelligence. 2. Make arrangements for the team to be available out of hours for advice with contact routed via the force control room. 3. Consider and state whether allegations of electoral malpractice and complaints will be reported both at basic command unit level and centrally. 4. Consider what level of resources will be made available to investigate complaints or allegations of different types of electoral malpractice. 5. Decide the criteria under which allegations will be dealt with at basic command unit and/or centrally. 6. The appropriate unit should make arrangements to liaise with the Special Crime Division at the Crown Prosecution Service. <p>All election issues that require advice from the Special Crime Division at the Crown Prosecution Service should be directed via the appropriate unit.</p>			

Appendix G

Code of conduct for political parties, candidates and canvassers on the handling of postal vote applications and postal ballot papers in England and Wales

Introduction

1 Political parties, candidates and canvassers play a vital part in elections, not least through encouraging voting. With the increasing popularity of postal voting there is a need to ensure that traditional standards of political propriety observed at polling stations are carried through to the postal voting context.

Key principles

2 All political parties, candidates and canvassers handling postal vote applications and postal ballot papers will adhere to the following two key principles:

- Candidates and supporters should assist in the efficient and secure administration of elections and uphold the secrecy of the ballot.
- No candidate or supporter should place themselves in a situation where their honesty or integrity – or that of their party or candidate – can be questioned.

What the law says

3 An individual may only vote once for each contest in each election and not for more than the number of seats available in that election.

4 A voter's signature or mark must always be their own.

5 An individual may not vote for, or as, someone else unless they are formally appointed to act as their proxy. If an individual steals someone else's vote they may be prosecuted for making a false statement, forgery, using a false instrument or pretending to be someone else (personation).

6 An individual may not exert, or attempt to exert, undue influence to persuade or force someone to vote, not to vote, or to vote a certain way. Someone who prevents or deters the voter from freely exercising their right to vote, or attempts to do so, may be found guilty of undue influence.

7 It is an offence to offer money, food, drink, entertainment or other gifts to persuade someone to vote, or not to vote.

8 It is an offence to falsely apply for a postal or proxy vote (absent vote) as some other person. It is also an offence to otherwise make a false statement

or otherwise induce the Returning Officer to either send a postal ballot paper or other election mail to an address which has not been agreed by the person entitled to the vote, or to cause a postal ballot paper not to be delivered to the intended recipient.⁴⁸

9 It is an offence to supply false information to the Electoral Registration Officer for any purpose connected with the registration of electors.⁴⁹

See Appendix A on 'Election offences and penalties' for further information on specific electoral and general offences of which you should be particularly aware.⁵⁰

Applications for postal voting

10 If you develop a bespoke application form, it should conform fully with the requirements of electoral law, including all the necessary questions and the options open to electors.

11 Electors should be encouraged to ask for the postal vote to be delivered to their registered home address, unless there are compelling reasons why this would be impractical. Such reasons must be stated on the application form.

12 Because of the risk of suspicions that the application may be altered and the risk of the application form being delayed or lost in transit, the local Electoral Registration Officer's address should be the preferred address given for the return of application forms.

13 If an intermediary address is used, forms should be despatched unaltered to the relevant Electoral Registration Officer's address within two working days of receipt.

14 If you are given a completed application form, you should forward it directly and without delay to the local Electoral Registration Officer.

15 The Electoral Registration Officer may check the signature on an absent voting application against any other copies of the elector's signature or date of birth which they hold or is held by any authority which they are authorised to inspect.⁵¹

16 The Electoral Registration Officer must confirm in writing to all successful applicants that they will receive a postal ballot.

⁴⁸ Section 62A(2) RPA 1983

⁴⁹ Section 13D RPA 1983

⁵⁰ Appendix A to the Code of conduct is included within Section 3 of this guidance, paragraphs 3.7 to 3.16 and is not repeated here

⁵¹ Reg 51A RPR 2001 as amended by the Representation of the People No 2 Regulations 2006

Postal voting ballot papers

17 You should not touch or handle anyone else's ballot paper. If you are asked for assistance in actually completing a ballot paper, you should always refer the voter to the Returning Officer's staff at the elections office who can arrange a home visit if necessary. Assistance will also be available for electors at polling stations.

18 It is absolutely clear that anyone acting on behalf of a party should not solicit the collection of any ballot paper. Wherever practical, the voter should be encouraged to post or deliver the completed ballot paper themselves.

19 It is recognised that people working for a party may be approached by a voter who is unable to post their ballot paper or make arrangements for it to be returned in time. If you are asked to take the completed ballot paper, you should ensure that the voter has sealed it first and then post it or take it to a polling station or office of the Returning Officer immediately, without interfering in any way with the package.

20 If you are with a voter when they complete their ballot paper, remember they should complete it in secret. Equally, you should ensure that the voter seals the envelopes personally and immediately. If you are asked to give advice, it is acceptable and often helpful to explain the voting process but do not offer to help anyone to complete their ballot paper.

21 If you are in any doubt about the probity or propriety of your actions, you should ask yourself the question, '**What would a reasonable observer think?**' This code has been prepared based on this test, as advocated by the Third Report of the Committee on Standards in Public Life.⁵²

December 2006

⁵² Committee on Standards in Public Life, *Standards in Public Life: Standards of Conduct in Local Government in England, Scotland and Wales, Third Report*. Chairman Lord Nolan. (1997, The Stationery Office, London)

Appendix H

Protocols between all UK Police Forces and the Electoral Commission for dealing with offences created by the Political Parties, Elections and Referendums Act 2000

1. The main provisions of the Political Parties, Elections and Referendums Act (PPERA) 2000, which will be referred to within this document as 'the Act', came into force on 16 February 2001. The Electoral Commission was created under provisions of the Act on 30 November 2000. Section 145 of the Act places upon the Commission the general function of monitoring compliance with:
 - 1.1. The restrictions and other requirements imposed by or by virtue of parts III to VII;

and
 - 1.2. The restrictions and other requirements imposed by other enactments in relation to:
 - 1.2.1. Election expenses incurred by or on behalf of candidates;

or
 - 1.2.2. Donations to such candidates or their election agents.
2. The Electoral Commission has responsibility for monitoring compliance with the Act and for conducting initial enquiries into alleged breaches. The Act provides for both criminal and civil penalties. The Commission is not a prosecuting authority and therefore the police have responsibility for initiating enforcement action for criminal offences committed under the Act.
3. These protocols provide guidance as to the process by which allegations of breaches of the Act are to be pursued and in particular, the respective roles of the Police Force for the area where the offence has been committed and the Electoral Commission.
4. In cases where allegations of failure to comply with the provisions of the Act are reported to officers within the host Force, complainants will be informed that the Electoral Commission is the responsible body for monitoring compliance with the Act and they will be referred to that body.
5. When information is discovered by a police officer in the course of his or her duty which indicates that a breach may have been committed under

the Act, officers will record details and notify the Electoral Commission in writing of the following information:

- 5.1. The nature of the alleged breach that may have been committed;
 - 5.2. Full known details of any individuals and/or parties that have caused the breach to arise;
 - 5.3. Any background information available including a summary of the circumstances of the discovery of the alleged breach.
6. There may also be cases when police officers in the course of their investigations discover that breaches intrinsically linked with the offence under investigation have been committed under the Act. In these cases officers in charge of investigations will consult the Electoral Commission as to the best means by which the investigation into breaches of the Act will be pursued.
7. In cases where the Electoral Commission has, as a result of its own compliance work following an allegation, information that indicates that criminal offences may have been committed under the Act within their force area and the Commission has considered that the breaches are of sufficient severity that they believe prosecution action to be necessary, they will inform the host force in writing of:
- 7.1. The nature of the alleged breach;
 - 7.2. Full known details of any individuals and/or parties that have caused the breach to arise;
 - 7.3. A written summary of the Electoral Commission's finding;
 - 7.4. Details of the Electoral Commission representative responsible for conducting the investigation.
8. The Head of Crime Management will be the point of contact for allegations reported to the host force by the Electoral Commission.
9. On receipt of the file the officer will:
- 9.1. Nominate an officer to manage the investigation;
 - 9.2. Instigate a police investigation;
 - 9.3. Liaise with the Electoral Commission representative;
 - 9.4. With the assistance of the Electoral Commission representative identify relevant witnesses and secure evidence;
 - 9.5. Arrange liaison with the CPS.

10. The police, in consultation with the Electoral Commission, will determine whether to prepare a case for consideration as to whether a prosecution should be undertaken by the CPS.
11. Any decision to undertake a prosecution will be taken by the CPS.
12. These protocols will not affect current arrangements for undertaking investigations under the Representation of the People Act 1983.
13. These protocols will be subject to review.

On behalf of the
Association of Chief Police Officers

On behalf of the
Electoral Commission

Appendix I

Anonymous registration – TO FOLLOW

Note: This guidance is being produced by ACPO in consultation with the Commission. The Guidance will be issued soon and will be appended here at that time.